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Before the
Federal Communications Commission
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of)

Telecommunications Relay Services)
And the Americans with Disabilities)
Act of 1990)

CC Docket No. 90-571

Comments of
DEAF SENIORS OF AMERICA
May 7, 2001

Deaf Seniors of America (DSA) respectfully submits the following comments in response to the Federal Communications Commission's (FCC) Second Further Notice of Proposed Rulemaking, dated March 16, 2001, on Telecommunications Relay Service-Coin Sent Paid (TRS-CSP) phones.

Introduction:

DSA is a national not-for-profit advocacy consumer-oriented organization of deaf and hard of hearing senior citizens. The objective of DSA is to promote the common interests of deaf and hard of hearing senior citizens. The common interests include equal accessibility to all services made available to all senior citizens with or without any form of disabilities, including telecommunications.

Background:

In November of 1993, the FCC issued an order to suspend enforcement of the requirement that relay services handle coin sent-paid calls from payphones because the Common Carriers (Carriers) reported that a technological solution to handle these calls was unavailable or rather infeasible. The suspension was for two years, to expire on July 26, 1995.

During the fall of 1994, the Carriers shared with the Executive Director of Telecommunications for the Deaf, Inc. (TDI) the technical problems associated with retrofitting its networks so that TRS could handle all coin sent-paid calls. Among other things, the Carriers reported that making technical modifications to handle these calls would incur expenses upwards of at least one billion dollars (\$1,000,000,000).

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List A B C D E

During the spring of 1995, TDI initiated several meetings between the Carriers with Consumer Action Network (CAN), a coalition of national consumer organizations of, by and for deaf and hard of hearing persons. They negotiated a solution that:

- 1) Would be feasible to the Carriers; and
- 2) Would ensure consumers, especially those who could not afford to have either their own phones or credit cards, equal access to coin sent-paid phones.

Even though the Carriers and the consumers reached an interim compromise, there remained some discrepancy between the length of the suspension requested by the Carriers and consumers. The Carriers requested a five-year extension while consumers requested two years.

On August 27, 1995, the FCC suspended enforcement of the rule requiring TRS to be capable of handling coin sent-paid calls for two years until August 26, 1997. The Carriers were requested to comply with the compromise by the end of the suspension.

In November of 1995, the Carriers again met with the CAN and agreed to do the following actions during this suspension of the rule, as an Alternative Plan:

- 1) All local coin sent-paid calls would be free of charges;
- 2) Generic press releases/advertising describing alternatives to coin sent-paid calls were to be advertised in various newspapers and announced through various public service announcements;
- 3) Direct mailings were to be made to potential TRS users through consumer associations and local exchange carriers;
- 4) Outreach presentations and exhibits were to be held in various local, regional and national events where TRS consumers participate;
- 5) Articles were to be placed in TRS user community publications, TRS provider newsletters would be directed to TRS users, industry publications, and industry employee publications;
- 6) The Carriers would publish and distribute pamphlets describing the alternative plan, difference between calling and prepaid cards, and instructions on how to obtain and use cards; and
- 7) The Carriers would provide customer notifications in local exchange carriers' telephone directories, special text telephone (TTY) directories, and telephone bill inserts.

During the two-year extension of the suspension, CAN frequently provided lists of dates and respective contacts of various local, regional and national consumer-oriented events for use by the Carriers to achieve these action items. Contact names for national organization events, publications, and advertising were provided. The Carriers continuously stated that they were not ready to carry out the alternative plan to notify consumers as stated above.

Yet, in its 18-Month Report to the FCC, submitted March 12, 1997, the Carriers claimed that their alternative plan was progressing satisfactorily and requested that the plan be permanently adopted.

On June 2, 1997, consumers, in a document to the FCC, disagreed with the Carriers' progress and opposed the permanent adoption of the Alternative Plan. The consumers concluded that the Carriers didn't perform their part effectively to meet the objectives of the Alternative Plan.

On August 21, 1997, the FCC extended the suspension of the enforcement of the coin sent-paid rule for one more year until August 26, 1998. The Carriers, including the TRS providers, were directed to improve their efforts to educate TRS users about how they could call relay service centers from payphones using either calling or prepaid cards. The FCC also directed the Carriers to do the following within one year:

- 1) Coordinate with the consumer community to create and disseminate generic educational materials;
- 2) Distribute a consumer education letter to the public;
- 3) Attend various events to disseminate materials and have booths demonstrating how to call TRS centers from payphones; and
- 4) Cooperate with affected communities in executing information and materials in organizational publications.

On September 26, 1997, the Carriers asked the representatives from CAN to volunteer by providing services and resources to enable the Carriers to comply with the FCC Order. As a result, the Carriers were advised to administer major informational activities using a separate cooperative fund similar to the Interstate TRS Fund administered by the FCC-appointed administrator, the National Exchange Carriers Association. The Carriers, instead, attempted to process the Order internally and with a minimal budget, if any.

On May 5, 1998, the Carriers met with CAN representatives. The Carriers' distribution plan for a generic educational letter and wallet-sized cards was introduced. The consumers expressed concerns about minimal information being shared with the limited public. The Carriers assured consumer representatives that they would be promoting the program aggressively, including having demonstrations in various events during summer 1998 and posting the plan on web sites.

Since then, reports have been received from consumers and organizations that such an educational letter was not printed in various organizational newsletters and that wallet-sized cards, if any, were left in inconspicuous areas within TRS providers' unrelated exhibit booths. Such exhibits did not include prominent displays or hands-on opportunities for consumers to become acquainted with the services being provided. Program books of various events did not list any information or workshops about the plan.

To evaluate the effectiveness of the Carriers' extremely conservative efforts to date, CAN conducted a preliminary survey in Summer and Fall 1998 to measure the awareness of consumers using TRS. A short questionnaire of five basic questions with multiple-choice answers was distributed to 106 participants at six conferences and expositions. (Response to TRS CSP Industry Team Activity Report, CC Docket No. 90-571 submitted by Sonny Access Consulting.)

The six sites were: 1) Alexander G Bell Association for the Deaf Conference, Little Rock, AR; 2) Deaf Expo '98, Ontario, CA; 3) Jewish Deaf Congress Conference, Los Angeles, CA; 4) National Association of the Deaf Conference, San Antonio, TX; 5) National Black Deaf Advocates Conference, Indianapolis, IN; and 6) TDI Expo, Washington, DC.

The respondents, from various parts of the United States, were mostly well educated and their income, in general, was above average. Those who were surveyed represented approximately the top 10% to 25% of the national deaf and hard of hearing population economically and academically.

The results from the survey indicated that at least 85% of the respondents were still unaware of information supposedly provided by the Carriers.

In addition, two separate groups of eight to ten deaf Hispanics, Asians and Blacks were interviewed instead of completing the questionnaire at Deaf Expo '98. Despite being qualified to receive free TTYs from their state distribution program, they could not afford to have telephones in their home or obtain credit or calling cards. They, who would have benefited the most from the Plan, did not know that they were able to make free local TRS calls from payTTYs.

Consumers have been tolerant of the Carriers' claims of financial hardship in complying with the FCC's Order requiring coin sent-paid telephones to be compatible with all relay services. Rather than having the carriers pay at least one billion dollars (\$1,000,000,000) to achieve such compatibility, the consumers agreed to the Carriers' four-year old interim plan.

Since 1997, the FCC has annually issued orders suspending the TRS CSP requirements in order to allow the Carriers time to implement FCC mandated regulations. However, the Carriers continue to minimally comply with the regulations, and continue to claim they need additional time for compliance, to the detriment of service to the population for which the regulations were originally issued.

Recommendations:

DSA fully supports the comments by the TDI, Consumer Action Network, and National Association of the Deaf. However, there are several issues that need to be addressed while developing proposed rules.

- 1) Definition of "local" calls needs to be clarified and standardized. To date, there are a lot of discrepancies in implementing a free TRS CSP local call. Some TRS providers would assume that local calls would be limited to intra-city, intra-lata, intra-metro, or intra-state regions.

To date, seniors with hearing disabilities have found it difficult to make a free TRS CSP calls across city lines even though the distance between origins may be a few miles.

It is recommended that a ruling of a distance between the origins such as 100 miles be considered as a local call regardless of the borders.

- 2) Since it is becoming more imperative to rely on TRS to reach operator services, especially from a payphone, it is recommended that the TRS implement call release services immediately. To date, it is extremely difficult to have a TTY caller from a payphone reach a TTY user through a third party. For instance, quite a few seniors with hearing disabilities residing in nursing homes or senior residences would need operator assistance to make collect calls or use credit cards by voice before reaching their devoted family members who may be TTY users themselves.

In 1980, AT&T was the only carrier to provide operator-assisted TTY services which enabled any TTY caller to reach a TTY user through the third party at no cost to the users. Since the break-up of the AT&T, two or three carriers started to provide operator-assisted TTY services. As a result, one would have to pay surcharges for their services; that is, if they know how to use such a service. All in all, awareness of using such operator-assisted services is minimal and expensive.

By having TRS provide call-release services after going through the third party for billing purposes would be less confusing and more effective because practically all TTY users are already familiar with the TRS.

Conclusion:

DSA is appreciative of the FCC's recognition of the existence of the TRS CSP problems and trusts that all efforts will be made to ensure equal access to all telephone services for all, including people with hearing disabilities.

Respectfully submitted by

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